

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

**AB'DULLAH LAMAR RASHID
MUHAMMAD,**

Plaintiff,

v.

LATOYA DAWSON et al.,

Defendants.

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Case No. CIV-18-911-G

ORDER

Plaintiff has brought the present action pursuant to 42 U.S.C. § 1983, seeking recompense for alleged violations of his constitutional rights. Consistent with the provisions of 28 U.S.C. § 636(b), this action was referred to United States Magistrate Judge Gary M. Purcell. Magistrate Judge Purcell entered a Report and Recommendation (“R&R”) on January 31, 2019, recommending that Plaintiff’s request for a temporary restraining order (“TRO”) be denied and that other pending motions also be denied. Plaintiff has objected to the R&R. *See* Doc. No. 40.¹

Upon de novo review of the record, including Plaintiff’s Amended Complaint (Doc. No. 28), his Objection, and other submissions, the Court agrees with Magistrate Judge

¹ Objections to the R&R were due February 20, 2019. Through a submission postmarked February 15, 2019, and received on February 25, 2019, Plaintiff requested an extension of his time to object. *See* Doc. No. 39. Plaintiff filed his Objection prior to receiving a ruling on the motion for extension. Having considered Plaintiff’s filings, the Court finds that good cause and excusable neglect have been shown. *See* Fed. R. Civ. P. 6(b)(1)(B). The Court GRANTS Plaintiff’s request for extension (Doc. No. 39) and accepts Plaintiff’s Objection as timely filed.

Purcell's suggested disposition. Although Plaintiff has alleged verbal threats, administrative misdeeds, and several past instances where he was denied insulin, he has not offered more than conclusory allegations to show that the challenged conduct is ongoing and will result in imminent and irreparable harm. *See Heideman v. S. Salt Lake City*, 348 F.3d 1182, 1189 (10th Cir. 2003); *see also* Pl.'s Obj. at 7 (alleging that "Plaintiff is currently awaiting transfer from L.C.F.").

Because Plaintiff has not shown that he is entitled to the extraordinary remedy of a temporary restraining order, the Court: (1) ADOPTS the R&R (Doc. No. 34) in its entirety; (2) DENIES Plaintiff's request for a temporary restraining order (Doc. Nos. 2, 26); and (3) DENIES the pending motions for a hearing and for a writ (Doc. Nos. 3, 4).

This case remains under referral to Judge Purcell for further proceedings.

IT IS SO ORDERED this 5th day of April, 2019.



CHARLES B. GOODWIN
United States District Judge